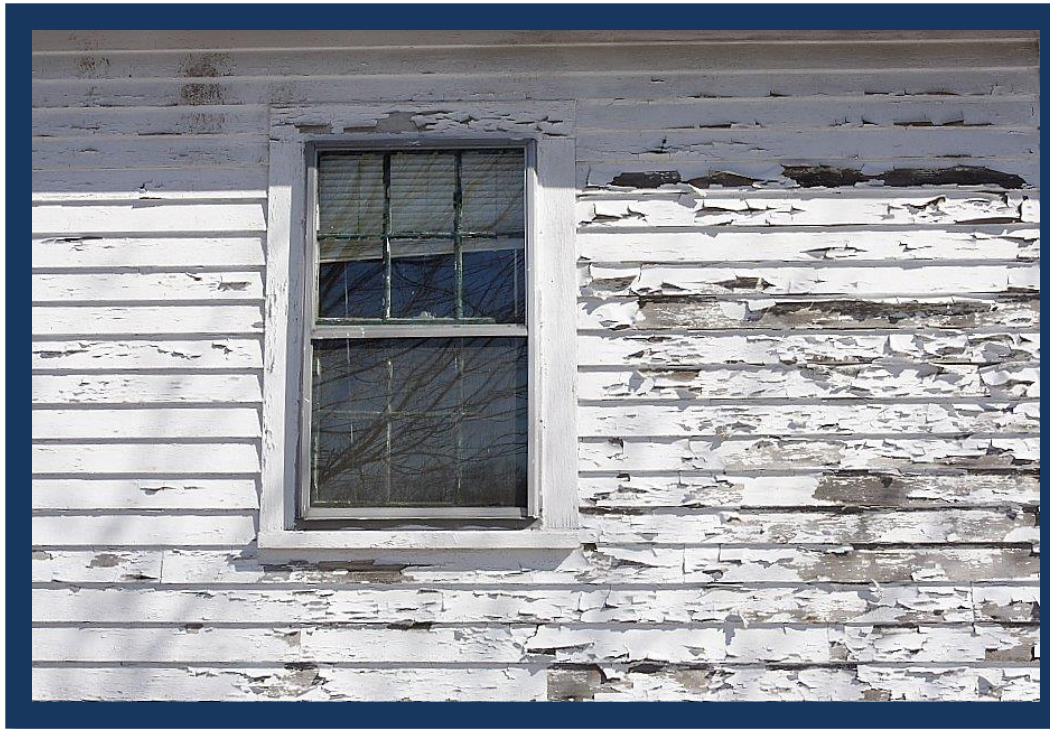


HOME & CDBG Leadinar

What You Need to Know





Introduction

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Introduction

Questions

- **Type your questions into the chat box**
- **All questions will be answered at the end of the webinar**





What Is Lead?

- So, you may be wondering what exactly is Lead. Lead is a naturally occurring element found in all parts of the environment; the air, the soil, the water and even inside of our homes.
- Throughout history, lead has been used to make water and sewer piping, roofing, cable coverings, type metal, **paints**, wrappings for food, tobacco, and as an additive in gasoline and other products.
- Since the 1960s, there has been a growing concern about the health effects of lead. As a result, many common lead products are now being phased out. The reason behind this was to reduce the amount of lead being put into the environment.



What Is Lead? - Continued

- Exposure comes from human activities such as the use of leaded gasoline, some types of industrial facilities and the **past use of lead based paint in homes**.
- Lead from paint, including lead-contaminated dust, is one of the most common causes of lead poisoning.
- If paint is in good shape, the lead paint is usually not the problem, it's deteriorating (peeling, chipping, chalking, damaged or damp) lead based paint that is a hazard, and poses a threat and needs immediate attention. Areas in the home such as windows, window sills, doors, door frames, stairs, railings, banisters and porches are found to be locations where a lot of friction occurs, thus creating lead dust that children and adults can consume.
- Renovation and house repairs can create toxic lead dust when painted surfaces are disturbed or demolished.





Why Is It Important to Test For Lead-Based Paint?

- Lead exposure, even at low levels, has a significant negative impact on health and educational outcomes. In children, lead is most damaging at six years and younger, because at that age bones are still growing, muscles are getting stronger and many connections are being created in their brain. When lead, instead of essential nutrients, are "available" to the body to make bones, muscle, and brain connections, permanent harm to health can occur. Even at low levels, lead can be harmful and be associated with:
 - *Learning disabilities resulting in a decreased intelligence (lower IQ)
 - *Attention deficit disorder
 - *Behavior issues
 - *Nervous system damage
 - *Speech and language impairment
 - *Decreased muscle growth
 - *Decreased bone growth
 - *Kidney damage
- Investing in the prevention of lead exposure and improved housing quality will yield improvements in educational outcomes.



Frequently Used Terms

- **Abatement:** any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of “*permanent*” below).

Abatement includes:

- (1) The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and
- (2) All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

**Permanent* means an expected design life of at least 20 years.

- **Containment:** the physical measures taken to ensure that dust and debris created or released during lead-based paint hazard reduction are not spread, blown or tracked from inside to outside of the worksite.



Frequently Used Terms

- **De Minimis Levels:** the following levels which are used to determine whether deteriorated paint is a hazard that must be addressed:
 - * 20 square feet (2 square meters) on exterior surfaces
 - * 2 square feet (0.2 square meters) in any one interior room or space; or
 - * 10 percent of the total surface area on an interior or exterior type of component with a small surface area. e.g. window sills, baseboards, and trim.
- **Hazard Reduction:** measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.
- **Interim Controls:** commonly defined by US EPA/HUD and many state agencies as: “to reduce temporarily human exposure or likely exposure to lead-based paint hazards including specialized cleaning, repairs, maintenance, painting, temporary containment.”



Frequently Used Terms

- **Paint Stabilization:** repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.
- **Risk Assessment:** an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and the provision of a report by the individual or the firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.
- **Standard Treatments:** a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.
- **Work Site:** an interior or exterior area where lead-based paint hazard reduction activity takes place. There may be more than one worksite in a dwelling unit or at a residential property.

HUD/City Regulations





HUD/City Regulations

- Requirements regarding lead-based paint are based on the dollar amount of hard construction costs, OR the dollar amount of HUD funds, whichever is less
- 3 Category Limits
 - Up to \$5,000
 - In general, paint testing and safe work practices are required.
 - Between \$5,001 and \$25,000
 - In general, a risk assessment and safe work practices are required.
 - \$25,001 and above
 - In general, a risk assessment, safe work practices, and abatement are required.
- ***Note: Clearance is always required when lead paint is disturbed or a lead hazard is reduced, affecting more area than the de minimus.***



HUD/City Regulations

Examples:

- One homeowner repair project is using \$4,000 in CDBG funds and \$3,000 of Housing Trust Fund (local money). This job would fall in the \$0-5,000 level of lead care.
- A HOME down payment assistance grant of \$10,000 is being used to purchase a house. This use of HUD money is exempt from Subpart J because no hard construction costs are being incurred.

HUD/City Regulations

*Additional Note

- Every CDBG HOR project going over \$25,000 will need to submit a request to CDBG staff (boilerplate request letter is on the CDBG website).
- This letter will be required to be sent prior to incurring costs on the home and an approval letter from CDBG staff must be received by the project sponsor staff prior to incurring costs on the home.



HUD/City Regulations



**Lead testing and
reduction costs are
ALL eligible
CDBG/HOME
expenses**

***provided there is sufficient backup
documentation and the expenses were
incurred in the correct timeframe**

The Lead Tracking Form (LTF)

This form is to be used on any construction or repair project that gets funded with federal funds.



City of Indianapolis, IN - Lead-Based Paint Tracking & Property Owner Acknowledgment Form

1. This form is to be completed by Project Sponsor and signed by the Project Sponsor and Property Owner.
2. A copy of this completed form is to be given to the Property Owner along with any necessary attachments.
3. This form and all attachments are to be kept with client/project files in your office.
4. This form and all attachments MUST BE INCLUDED with the Completion Certificate in your claim packet.

STEP 1 OF 5		Structure Information	
Address:			
Property Owner (printed):			
Was the structure built after 1978 and therefore exempt from the HUD Lead Safe Rule (HLSR)? Circle one:			
YES		NO	
Project Sponsor's Signature:		Date:	

- If structure was built after 1978 and above line was signed, stop and leave the remainder of this form blank.
➤ If structure was built before 1978 and/or above line was not signed, continue on to Step 2.

STEP 2 OF 5		EPA Pamphlet Receipt	
Property owner acknowledges by signature receipt of these two (2) EPA Pamphlets:			
(1) "Protect Your Family from Lead in Your Home"			
(2) "The Lead-Safe Certified Guide to Renovate Right"			
Property Owner's Signature:		Date:	

STEP 3 OF 5		Exempted Repairs	
Is the work performed an exempted repair under HLSR §35.115? Circle one: <i>Consult a City Rehab Specialist if in doubt.</i>			
YES		NO	
If yes, please reference which Exemption: (ex. : Exemption 8, does not disturb painted surface)			
Project Sponsor's Signature:		Date:	

- If the work performed is an exempt repair stop here and leave the remainder of this form blank.
➤ If the work performed is not an exempt repair, continue on to step 4A OR 4B.

STEP 4 OF 5		Lead Risk Assessment / Presumption of Lead Throughout	
➤ If a risk assessment is to be done, complete step 4A ONLY			
4A. A risk assessment was completed and a lead report was compiled and attached to this document.			
Completion of Risk Assessment Lead Report Date:			
Project Sponsor's Signature:		Date:	
Property Owner's Signature:		Date:	

Property owner acknowledges by signature receipt of Lead Paint Risk Assessment.

➤ If lead-based paint is to be presumed throughout, complete step 4B ONLY	
4B. Project Sponsor presumes the presence of lead in all painted and coated surfaces throughout all structures and soil, and therefore will follow Standard Treatments, HLSR §35.1335.	
Project Sponsor's Signature:	Date:
Property Owner's Signature:	Date:

STEP 5 OF 5		Lead-Based Paint Clearance Notice	
Attached are three (3) documents, reviewing the activities to reduce lead-based paint hazards in your property.			
(1) Clearance Testing report, "Passed Clearance"	Dated:		
(2) Work Write-Up detailing the work performed	Dated:		
(3) Change Order/s	Dated:		

These activities have reduced known lead paint hazards; however, please be aware that lead-based paint does still exist on your property and you should monitor all future hazards that may and will occur, evidenced by, but not limited to "loose" and "flaking" paint and dust containing lead, commonly found on horizontal surfaces.

For additional information contact the contractor who performed the lead-based paint abatement work:

Contractor/Name	
Contractor Address	
Phone Number	

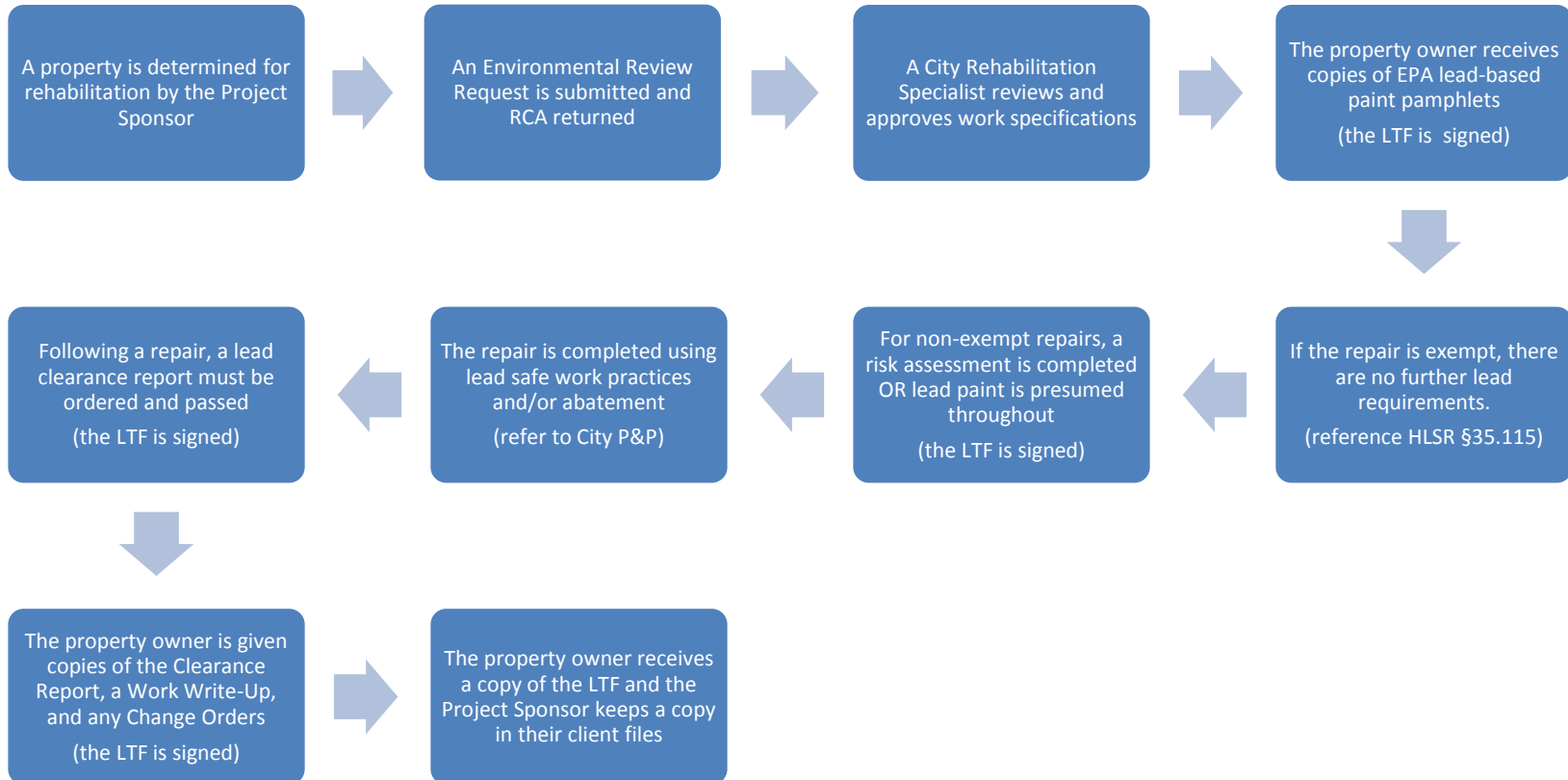
Your signature below indicates that you have received the documents listed above:

Project Sponsor's Signature:	Date:
Property Owner's Signature:	Date:

General Work Process



General Flow Chart



Exempted Repairs



Some types of work are exempt from Subpart J, there are a total of 13 exemptions.

Here are two examples from the HLSR:

(1) A residential property for which construction was completed on or after January 1, 1978, or, in the case of jurisdictions which banned the sale or residential use of lead-containing paint prior to 1978, an earlier date as HUD may designate (see §35.160).

(8) Any rehabilitation that does not disturb a painted surface.

You can find the other 11 exemptions by using the link below:

http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=e1741143a75841f15fcfd930d325ac2b&rgn=div5&view=text&node=24:1.1.1.1.24&idno=24#se24.1.35_1115

The Rehabilitation Construction Approval Form (RCA)



- The RCA should be signed by a Rehab Specialist after work specifications are approved
- If lead-based paint is encountered, a Rehab Specialist must indicate that on the form
- If work specifications are revised due to lead-based paint, the project sponsor must resubmit specifications and the Rehab Specialist must approve them and sign the RCA

City of Indianapolis, IN – Rehabilitation/Construction Approval (RCA) Form

PART 1 OF 2 Project Information – To be completed by City of Indianapolis Staff

Release of Funds Date: <small>Click here to enter a date.</small>	Env. Assessment Date: <small>Click here to enter a date.</small>
Property Location: <small>Click here to enter text.</small>	Project Sponsor: <small>Click here to enter text.</small>
Specifications Date:	Specifications Reviewed by:
Revised Specs. Date:	Revised Specs. Reviewed by:
Bid Date:	Bid Reviewed by:

Lead-Based Paint Requirements

Is a lead-based paint risk assessment required? Circle one:

YES NO

Does the Project Sponsor choose to presume lead-based paint throughout in lieu of testing? Circle One:
(If presumed, Standard Treatments (HCLX 23.220) shall apply.)

YES NO

PART 2 OF 2 Project & Bid Information – To be completed by Project Sponsor

Circle all funding types:

CDBG	HOME	HOPWA	HOTIF	State
------	------	-------	-------	-------

PO#: _____

Project Sponsor Original Estimate: _____ Project Sponsor Revised Estimate: _____
(Incorporating lead finding into specs, if applicable)

Description of Work: Select approval type from dropdown.

Winning Bidder: _____ Bid Amount: _____

Subcontractor Name: _____ Subcontractor Address: _____

Federal ID or SSN: _____ Race: _____ MBE: YES / NO WBE: YES / NO

Subcontractor Name: _____ Bid Amount: _____

Reason for Denial: _____

Race: _____ MBE: YES / NO WBE: YES / NO

Subcontractor Name: _____ Bid Amount: _____

Reason for Denial: _____

Race: _____ MBE: YES / NO WBE: YES / NO

The representative of the Project Sponsor attests that all conditions of the contractual agreement(s) entered into by & between the City of Indianapolis & the Project Sponsor has been met.

Signature: _____ Date: _____

City of Indianapolis, IN – RCA Revised 1/15/2016

Process



Lead Flow Chart for Projects

- 1. Identify a home/unit for repair assistance and apply for and secure an RCA from City of Indianapolis.**
- 2. Using your Lead Tracking Form, provide the owner with the required disclosure pamphlets and have owner or future owner sign indicating they received the pamphlets. Keep the Tracking form in your file and use along the entire process obtaining signatures as appropriate. Note: Tracking Form will be required with final claim.**
- 3. Write work specifications with estimate.**

Process



4. Working with your City Rehab Specialist, determine if the job is exempt from the HUD Lead Safe Rule (HLSR)

(4a). If exempt, you are finished with lead, provided you gave the pamphlets to the owner.

(4b). If not exempt and the estimate is \$ 5,000 or less, paint test in the work area; or, this is a rare situation when presumption is acceptable, then use safe work practices and get clearance in the work area only.

(4c). If not exempt, and over \$ 5,001 send specifications out for a Risk Assessment (RA).

Process



5. Provide a copy of the Risk Assessment to the owner or future owner and use the Lead Tracking Form to obtain their signature. If there is an existing owner, provide a copy to the owner within 15 days of the date on the Risk Assessment.

6. Incorporate all lead findings from the risk assessor into the original work specifications and have City Rehab Specialist sign off on the revised specs & estimate.

7. Send specs out to bid to certified/licensed lead contractors and keep copies of their certificates in your office files.

*** If over \$ 25,000 you must use be a Lead Abatement Contractor (State of Indiana has a listing of them).**

*** Remember you have great liability and therefore need all the evidence possible in your files showing that you followed the (HLSR) Rule and took care to protect the occupants of the dwelling.**



Process

8. Monitor construction to see that the contractor is using safe work practices (swp).

9. When the contractor informs the Project Sponsor they are finished, make an on-site inspection with the specifications in hand and check for:

(9a). All work complete and satisfactory, consulting with the owner, if existing.

(9b). All building permits are obtained and on-site for inspection.

Process



10. When the Project Sponsor is satisfied that the contractor is finished, contact your City rehab specialist to perform a punch list inspection.

11. When the punch list is completed call the City rehab specialist for a final inspection.

12. Have the contractor obtain clearance. When presenting the Certificate of Completion to the Rehab Specialist for signature, provide a copy of the front page of the clearance report showing 'Passed Clearance'.

Process



General Notes:

For most projects when over \$ 5,001 obtaining a risk assessment is preferable to presuming lead, because the presumption option brings with it Standard Treatments (ST). Please familiarize yourself with ST and you will see why it is a more expensive proposition and contains hidden costs that you might not be able to afford at the back end of the job. Regardless of Presumption or Risk Assessment, language must be included into the work specifications addressing same. There are two situations when presumption might be appropriate, \$5,000 and less, or a full gut rehabilitation over \$25,001. Over \$ 25,001 requires abatement of all lead hazards found and/or created during the work.

FAQ's



Why is it so very, very important to first write work specifications, then provide them to the Risk Assessor?



- When under \$25,000 if the intent of your efforts are rehabilitation, rather than purely lead hazard reduction, even though you are using an abatement technique, you are not required to use an abatement contractor/workers.
- When under \$25,000 if you were to send the Risk Assessor to the property without specifications in hand, any hazard found that you chose to reduce using an abatement technique, would in fact require you to hire an abatement contractor/workers.

After having a Risk Assessment performed based on the specifications I provided to the Risk Assessor, must I always address every hazard found by the Risk Assessor?



- Yes. You cannot pick and choose certain hazards to correct but not others, all must be addressed.
- On the other hand, if the cost to correct all the hazards would be so great that you lack sufficient funds, or exceeds your program, you may elect to do no work at all. It is an all or nothing situation.
- Of course you must provide the pamphlets and deliver the risk assessment to the owner, always getting a signature for your file.

Must the Project Sponsor keep copies of the lead training and certifications for general contractors and workers in office files?



- Yes. All lead training certificates and certifications must be available for inspection by City staff, or HUD, or EPA or the State of Indiana LEAD AND HEALTHY HOMES PROGRAM.
- Project Sponsors assume liability when working with activities that reduce lead hazards; therefore, they need in their office evidence that qualified and lead trained companies/workers were hired.

May un-trained workers, such as homeowners, enter the work area where lead paint is being disturbed?

No. Only properly trained and certified persons may enter the work area, prior to 'Passed Clearance'.





I understand that “housing for the elderly” can be exempted. Can "housing for the elderly" be defined as any unit where an elderly person lives, i.e. a single family residence that receives Home Repair assistance?

No. Housing for the elderly means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more, or other age if recognized as elderly by a specific Federal housing assistance program.

What trainings and or certifications do the contractors and workers need to perform lead hazard work in the state of Indiana, when using HUD CDBG or HOME funds?



- For interim control work (below \$25,000 per unit), all workers on site must have the EPA's Certified Renovator certification/training (a 1 day course).
- Or, if worker(s) are not trained as Certified Renovators, there must be a Lead Abatement Supervisor on site at all times to ensure safe work practices are being implemented.

Continued on next slide

What trainings and or certifications do the contractors and workers need to perform lead hazard work in the state of Indiana, when using HUD CDBG or HOME funds?



- For Abatement work (over \$25,000 per unit), there must be at least one Lead Abatement Supervisor (a 4 day course and must pass a third party State of Indiana test) on site at all times.
- All workers must be Abatement Lead Worker (a 2 day course, no third party test required) trained and certified.
- Reminder: In general, most homeowner repair projects will be below \$25,000 in hard CDBG construction costs.



Additional Resources for HLSR

- The full Lead Safe Housing Rule (HLSR)

http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/lshr

- Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing

http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines

- Chapters 1 thru 18, from the Guidelines, with detailed comprehensive technical information

http://portal.hud.gov/hudportal/documents/huddoc?id=second_edition_2012.pdf